

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CLINT PHILLIPS, III,

Plaintiff,

VS.

ST. LOUIS COUNTY, *et al.*,

Defendants.

Case No. 4:24-cv-00113-MTS

MEMORANDUM AND ORDER

This matter is before the Court on review of Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs. Doc. [2]. For the reasons that follow, the Court will deny Plaintiff's Application.

✻ ✻ ✻

The Prison Litigation Reform Act (PLRA) “enacted a variety of reforms designed to filter out the bad [prisoner] claims and facilitate consideration of the good.” *Jones v. Bock*, 549 U.S. 199, 204 (2007). One of these reforms is what is commonly known as the “three strikes” provision of 28 U.S.C. § 1915(g). *Orr v. Clements*, 688 F.3d 463, 464 (8th Cir. 2012). Section 1915(g) provides:

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to

state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g).

Plaintiff Phillips has filed many meritless actions in this Court. *See, e.g., Phillips v. United States*, 4:23-cv-01209-SPM (E.D. Mo.); *Phillips v. Metro Transit Agency*, 4:23-cv-01164-SEP (E.D. Mo.); *Phillips v. Walls*, 4:23-cv-01092-HEA (E.D. Mo). And he was a prisoner, as that term is defined under 28 U.S.C. § 1915(h), when he filed at least three actions that the Court later dismissed as frivolous, malicious, or because they failed to state a claim upon which relief may be granted. *See, e.g., Phillips v. St. Louis City Police Officers*, 4:17-cv-01637-HEA (E.D. Mo.); *Phillips v. Romeo*, 4:17-cv-01636-NAB (E.D. Mo.); *Phillips v. City of St. Louis*, 4:11-cv-00791-CEJ (E.D. Mo.). He has struck out.

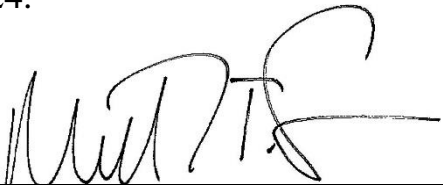
Unfortunately for him, Plaintiff Phillips once again was a prisoner, as that term is defined under 28 U.S.C. § 1915(h), when he filed the instant action; therefore, he cannot proceed with this action unless he prepays the entire \$405 filing fee to the Clerk of Court.¹ *See* 28 U.S.C. § 1915(g); *see also Gonzalez v. United States*, 23 F.4th 788, 789 (8th Cir.), *cert. denied*, 142 S. Ct. 2837 (2022) (“After three strikes, a litigant loses the right to sue without prepaying the filing fee.”).

¹ Plaintiff’s claims stem from the alleged mishandling of his state criminal proceeding, *State v. Clint A. Phillips III*, No. 23SL-CR12878 (21st Jud. Cir. 2023). His Complaint does not, in any way, show he is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, Doc. [2], is **DENIED**. Plaintiff is given through **Thursday, February 15, 2024** to prepay the entire filing fee of \$405 or the Court will dismiss this action without prejudice and without further notice.

Dated this 26th day of January 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE